

REMARKS/ARGUMENTS

This application has been carefully considered in light of the Final Office action mailed October 19, 2005. As a result, minor amendments have been made to the claims in order to place the application in condition for formal allowance. Claims 1, 4 and 10 have been rejected under 35 U.S.C. 102(b) as being directly anticipated by a newly applied reference to Rohrig, US Patent 5,653,731. However, the Examiner has also referenced US Patent 4,950,286 to Meussdoerffer as teaching a Shore Hardness in the range claimed for the materials of the present invention. For the reasons discussed below, reconsideration and withdrawal of this rejection is respectfully solicited.

Claims 1 and 4-9 are rejected under 35 U.S.C. 102(b) as being directly anticipated by a newly applied reference to Serre, US Patent 5,101,992. For the reasons discussed below, reconsideration and withdrawal of this rejection is also respectfully solicited.

In rejecting claims 1, 4 and 10 over the reference to Rohrig, the Examiner states that the nipple 3, as taught therein, is formed of a material that meets the requirements with regard to softness, strength and compatibility and further states that the Shore Hardness is well known as taught in the reference to Meussdoerffer. However, the structure of the nipple 3 falls

within the known structure discussed in the present application at page 4, beginning at line 7, wherein it is stated that, with conventional feeding bottles, the nipple that is suckled by the infant and which includes portions that are abutted by the lips of the infant are of the same or common hardness. However, the nursery care article claimed in claim 1 of the present application sets forth that an area or member, surrounding the tip of the nipple, on which the lips of an infant will abut during use of the article, is formed having a Shore Hardness of greater than 50, such that the member simulates a maternal areola. In the reference to Rohrig, an infant's lips will actually engage the lower portion of the nipple as shown at F1 on the attached copy of Fig. 1 of the reference submitted herewith.

In view of the foregoing the reference does not teach a structure that provides for the inventive results that are obtained by the teachings of the present invention such that an infant's lips engage a member having a greater Shore Hardness than that of the tip of the nipple during use of the nursery article to thereby simulate the natural maternal areola and nipple.

The reference to Serre has also been considered but is not believed to teach the inventive elements of the present invention as discussed above with respect to the reference to Rohrig. As

with the reference to Rohrig, Serre teaches a nipple structure having a common hardness wherein the lips of an infant will abut a base area of a nipple as shown at F2 on the attached copy of Fig. 1 of the reference that is submitted herewith. The Examiner's attention is directed to the embodiment of the present invention shown in Fig. 3 of the application wherein the base portion 126 of the nipple, against which the lips of an infant abut during use of the nipple, is formed of a material having a greater Shore Hardness than the tip 122. The different materials are shown in the Figure and discussed in the present application beginning at line 1 of page 5.

In view of the foregoing, Serre does not disclose a structure the simulates the more natural feel of a maternal areola and nipple. Therefor reconsideration and withdrawal of the rejection of the claims over this reference is respectfully requested.

It is requested that this amendment after final be entered as placing the application in condition for formal allowance. Should the Examiner have any questions concerning this matter or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney-of-record at the telephone number shown below to further facilitate the removal of any other issues with respect to this application.

Respectfully Submitted

Dowell & Dowell, P.C.
Ralph A. Dowell, 26,868

January 19, 2006
Dowell & Dowell, P.C.
2111 Eisenhower Avenue
Suite 406
Alexandria, Virginia 22314
Tele: 703-415-2555
e-mail: dowell@dowellpc.com